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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,022	08/23/2007	Joseph Vaillant	GSQZ 2 00083	9377
27885	7590	09/10/2009		
Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			EXAMINER NGUYEN, SON T	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 09/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/592,022	VAILLANT, JOSEPH	
	Examiner	Art Unit	
	Son T. Nguyen	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1,4 are objected to because of the following informalities:

For claim 1, in line 6, the word "port" should be changed to ---part---. Appropriate correction is required.

For claim 4, in line 2, the word "presents" is unclear and should be deleted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3,5,10,11,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cline (741110).**

For claim 1, Cline teaches a mechanical shoe for mounting on a hoof of a sport horse, comprising a front central part or toe piece (where ref. 1 is located at in fig. 1); two side branches or quarters (where #2 and ref. A are located at in fig. 1) extending freely from sides of the front central part; rear end portions forming heels (where refs. 4,14 are located at in fig. 1); holes or nail holes (along side branches as shown in fig. 1) defined in the side branches to receive nails for attachment to the hoof; an inner surface facing the hoof (shown in fig. 2 but only a small portion, however, it is the side opposite the ground contacting surface) of each side branches including zones on the rear ends (near refs. 2,3,4,6a,7,13,14 in fig. 1), forming flares of greater width than the side

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branches; and the inner surface of each of its side defines a zone whose interior edge presents a simple curved inner profile (where ref. A is located at in fig. 1) and whose width is narrower than the front central part or toe piece (width of toe piece is in the area of ref. 1 in fig. 1, which is wider than the side branches).

For claim 2, Cline further teaches wherein the rear ends or heels define thinning zones (fig. 1 at the endmost extremities of ref. 14) extending from outer peripheral edges of the heels.

For claim 3, Cline further teaches wherein inner and outer peripheral edges are beveled by chamfers (fig. 1, where ref. A is located which goes around the whole edges) defined in a direction of an outer surface, to define a contact face with the ground in a region of the toe piece and the two side branches is of substantially constant width narrower than the inner surface, the contact face widening in the region of the heels (see fig.1).

For claim 5, Cline further teaches wherein the outer inner surface of each side branch is flat (the other side opposite the ground contact surface as shown, see fig. 2) where the holes intended to receive the nails are defined.

For claim 10, in addition to the above, Cline teaches each side branch portion having a carved inner edge (where ref. A is pointing at which goes around the whole inner edge) and being narrower than the front central portion (see fig.1), and heel portions (where refs. 2,3,4,14 are located at) extending from ends of the side branch portions, the heel portions being flared wider than the side branch portions (see fig. 1).

For claim 11, Cline teaches wherein the front central and side branch portions

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have an inner hoof facing surface (the side opposite the ground contact surface as shown in fig.1) that is wider than an outer surface (wider because the outer surface has chamfered off edges where ref. A is pointing at), the inner and outer surfaces being connected by beveled edges (where ref. A is located at which goes around the whole edges as shown in fig. 1).

For claim 17, Cline teaches a portion extending from a peripheral edge of each of the heel portions, the extending portions being narrower than the heel portions (fig. 1 at the endmost extremities of ref. 14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4,6,12,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline as applied to claims 1,3,10,11 above, and further in view of Bergeleen (2002/0023760A1).**

For claims 4 & 16, Cline is silent about wherein the front central part or toe piece has plurality of ridges or grooves forming accordion pleats disposed on the inner chamfer.

Bergeleen teaches horseshoe wherein a front central part or toe piece (where refs. 41,43 are located at) has plurality of ridges or grooves (50) forming accordion pleats disposed on the inner chamfer. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to employ ridges or grooves as taught by Bergeleen at the front central part or toe piece of the horseshoe of Cline in order to allow flexibility of the horseshoe during adjustment (Bergeleen [0026]).

For claims 6 & 11, in addition to the above, Bergeleen further teaches wherein on an outer flat face, nail holes (60) are defined in a groove (81). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a groove as further taught by Bergeleen surround the nail holes in the horseshoe of Cline in order to provide better traction during use of the shoe (Bergeleen [0034]).

6. Claims 7,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline as applied to claims 1,3,10,11 above, and further in view of Wiestner (1497820).

For claim 7, Cline is silent about wherein on both sides of the toe piece, in zones bordering with the side branches, transverse nail holes are defined with a central portion extending transversely and a length bigger than a thickness of a blade of nail to be received, such that the received nail can be positioned in an ideal nailing zone or white line of the hoof.

Wiestner teaches a horseshoe wherein on both sides of the toe piece, in zones bordering with the side branches, transverse nail holes (20 and page 2, lines 59-65) are defined with a central portion extending transversely and a length bigger than a thickness of a blade of nail to be received, such that the received nail can be positioned in an ideal nailing zone or white line of the hoof. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to employ transverse nail holes as taught by Wiestner for the nail holes in the horseshoe of Cline in order to make the nails less difficult to drive into the hoof (Wiestner, page 2, lines 59-65).

For claim 13, Cline is silent about wherein the outer face is flat along the front central portion and further including transverse nail holes defined in the front central portion flat face, each transverse nail hole having a longer dimension extending transversely to the front central portion and a shorter dimension extending along to the front central portion, the shorter dimension corresponding to a width of a nail to be received in the transverse nail hole and the longer dimension being thicker than the nail, such that the nail can be positioned in a selectable location along the longer dimension.

Wiestner teaches a horseshoe wherein the outer face is flat along the front central portion and further including transverse nail holes (20 and page 2, lines 59-65) defined in the front central portion flat face, each transverse nail hole having a longer dimension extending transversely to the front central portion and a shorter dimension extending along to the front central portion, the shorter dimension corresponding to a width of a nail to be received in the transverse nail hole and the longer dimension being thicker than the nail, such that the nail can be positioned in a selectable location along the longer dimension. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ transverse nail holes as taught by Wiestner for the nail holes in the horseshoe of Cline in order to make the nails less difficult to drive into the hoof (Wiestner, page 2, lines 59-65).

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7. Claims 8,9,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline as modified by Wiestner as applied to claims 1,3,7,10,11,13 above, and further in view of Custer (48618).

Cline as modified by Wiestner is silent about wherein each of the transverse nail holes is of truncated pyramidal form widening towards the outer surface of the toe piece; wherein inner surfaces of the truncated pyramidal transverse nail holes include notches, in order to allow the blocking of the received nail in a selected position in the nail hole.

Custer teaches a horseshoe wherein the nail holes (a) are of truncated pyramidal form widening towards the outer surface of the toe piece; wherein inner surfaces of the truncated pyramidal transverse nail holes include notches (e,c), in order to allow the blocking of the received nail in a selected position in the nail hole. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ truncated pyramidal nail holes with notches as taught by Custer in place of the nail holes of Cline as modified by Wiestner in order to clinch or interlock the nail head for a better locking of the nail relative to the horseshoe and hoof (Custer, page 1, left column, lines 1-5).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Nguyen/
Primary Examiner, Art Unit 3643